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E-Filed on 3/6/07

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Attorneys for Official Committee of Unsecured Creditors of  
USA Commercial Mortgage Company

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

USA SECURITIES, LLC, Debtors.

**Affects:**

- × All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**SECOND AMENDED MOTION FOR  
ORDER REQUIRING WELLS  
FARGO BANK, N.A. TO PRODUCE  
ONE OR MORE CORPORATE  
REPRESENTATIVES FOR  
EXAMINATION PURSUANT TO  
FEDERAL RULE OF  
BANKRUPTCY PROCEDURE 2004  
(Amended to Remove Exhibit)**

[No hearing required]

Pursuant to Federal Rule of Bankruptcy Procedure 2004, the Official Committee of Unsecured Creditors of USA Commercial Mortgage Company ("UCC" or the "Movant")<sup>1</sup> hereby moves this Court for an order requiring Wells Fargo Bank, N.A. ("Wells Fargo") to produce one or more corporate representatives, as set forth in subpoenas issued under Federal Rule Bankruptcy Procedure 9016, to appear for examination at the law office of

<sup>1</sup> Upon the effective date of the Joint Plan of Reorganization (the "Plan"), the UCC will cease to exist and the USACM Liquidating Trust will be substituted in for the UCC as to this Motion.

Lewis and Roca, LLP, 3993 Howard Hughes Parkway, Suite 600, Las Vegas, NV 89169, on a business day no earlier than ten (10) business days after the filing of this Motion and no later than April 30, 2007, or at such other mutually agreeable location, date, and time, and continuing from day to day thereafter until completed.

This Motion is further explained in the following Memorandum.

### **Memorandum**

The Movant seeks information concerning the financial services, wire transfers, and other services performed by Wells Fargo for USACM, the other debtors in the above-captioned cases (together with USACM, the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise related entities. The Movant seeks this information to assist in the collection of the assets and the investigation of the liabilities of the Debtors.

The requested discovery from Wells Fargo is well within the scope of examination permitted under Bankruptcy Rule 2004, which includes:

[t]he acts, conduct, or property or . . . the liabilities and financial condition of the debtor, or . . . any matter which may affect the administration of the debtor’s estate, or to the debtor’s right to a discharge. In a . . . reorganization case under chapter 11 of the Code, . . . the examination may also relate to the operation of any business and the desirability of its continuance, the source of any money or property acquired or to be acquired by the debtor for purposes of consummating a plan and the consideration given or offered therefore, and any other matter relevant to the case or to the formulation of a plan.<sup>2</sup>

### **Conclusion**

Accordingly, the Movant requests that this Court enter the form of order submitted with this Motion.

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<sup>2</sup> FED. R. BANKR. P. 2004(b).



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Dated: March 6, 2007.

**LEWIS AND ROCA LLP**

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-and-

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